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MS RCE
PATENT
0147-0220P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Herbert SCHLACHTER Conf.: 5756
Appl. No.: 09/743,577 Group: 1616
Filed: March 12, 2001 Examiner: GOLLAMUDI
For: SKIN AND TISSUE CARE AND/OR TREATMENT
PREPARATION

REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114

MS RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 8, 2004

Sir:

This is a "Request for Continued Examination" under 37 C.F.R. § 1.114, the provisions of which do not apply to:

(1) A provisional application; (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) An international application filed under 35 U.S.C. §363 before June 8, 1995; (4) An application for a design patent; or (5) A patent under reexamination.

Submission of an RCE is limited to an application in which prosecution is closed; e.g. final rejection, Ex Parte Quayle; or notice of allowability

☒ This Request for Continued Examination is being filed prior to the earliest of:

(1) Payment of the issue fee, unless a petition under § 1.313 is granted; (2) Abandonment of the application; or (3) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of civil action under 35 U.S.C. §§ 145 or 146, unless the appeal or civil action is terminated.

☐ The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.

11/12/2004 CNGUYEN 00000037 09743577

01 FC:2801
02 FC:2252

395.00 OP
215.00 OP

☐ The enclosed document is being transmitted via facsimile.

☒ **Submission Required under 37 C.F.R. § 1.114:**

☒ Do **NOT** enter the After Final Amendment(s) previously filed on July 8, 2004, and August 9, 2004, under 37 C.F.R. § 1.116.

Enter as part of the present submission:

☐ The After Final Amendment(s) previously filed on , under 37 C.F.R. § 1.116 but unentered, in the present application.

☐ Arguments in the Appeal Brief or Reply Brief previously filed on .

☒ A Reply Under Rule 1.111, attached hereto. Claim fee(s) are calculated as set forth below:

	TOTAL NUMBER OF CLAIMS PREVIOUSLY PAID FOR	TOTAL NUMBER OF CLAIMS BEING FILED HEREWITH	<u>NUMBER EXTRA</u>	Large Entity		Small Entity	
				Rate	Fee	Rate	Fee
Total Claims	41	41 =	0	X 18	\$	X 9	\$0.00
Independent Claims	3	2 =		X 88	\$	X 44	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM				300	\$	150	\$0.00
TOTAL CLAIM FEE(S)						\$0.00	

☐ An Information Disclosure Statement (IDS) and PTO-1449 form(s) is/are attached hereto for the Examiner's consideration.

☐ Other:

☐ **Miscellaneous**

☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of () months. (Period of suspension shall not exceed 3 months.)

☒ **Fees**

The required fee under 37 C.F.R. § 1.17(e) as required by 37 C.F.R. § 1.114 when the RCE is filed, is enclosed herewith:

- ☒ \$395.00 - small entity
☐ \$790.00 - large entity

☒ The applicant(s) hereby petition(s) for an extension of two (2) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). The fee has been calculated as shown below:

☒ NO extensions of time have been previously obtained in the prior application. Thus, a fee of \$215.00 is required for the full period of the above-requested extension of time.

☐ An extension of () month(s) was previously requested and paid for on in the instant application. Thus, a fee of \$0.00 is required to obtain an additional () month(s) extension.

☐ The fee of \$130.00 under 37 C.F.R. § 1.17(i) for suspension of action is enclosed.

☒ Enclosed is(are) check(s) in the total amount of \$610.00 for the applicable filing fee, additional claims fee, suspension fee, and/or extension fees.

☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this sheet is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Andrew D. Meikle, #32,868

ADM/ETP/las
0147-0220P

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(703) 205-8000

Attachment(s)



PATENT
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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Herbert SCHLACHTER Conf.: 5756
Appl. No.: 09/743,577 Group: 1616
Filed: March 12, 2001 Examiner: GOLLAMUDI
For: SKIN AND TISSUE CARE AND/OR TREATMENT PREPARATION

**REPLY UNDER 37 C.F.R. § 1.111 AND SUBMISSION
WITH REQUEST FOR CONTINUED EXAMINATION
UNDER 37 C.F.R. § 1.114**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 8, 2004

Sir:

In response to the Final Office Action of January 8, 2004 and the Advisory Action dated September 1, 2004, the following amendments and remarks are submitted in connection with the above-identified application. A Notice of Appeal was filed on July 8, 2004. The period for filing an Appeal Brief or other Response has been extended two (2) months to November 8, 2004. A Request for Continued Examination Under 37 C.F.R. § 1.114 is being filed concurrently herewith. Please amend the present application as follows.

Amendments to the Specification begin on page 2 of this paper;

Amendments to the Claims begin on page 4 of this paper; and

Remarks begin on page 13 of this paper.